



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/022,916

12/20/2001

Masaya Nagata

1248-0571P-SP

2105

2292

7590

10/20/2006

BIRCH STEWART KOLASCH & BIRCH

PO BOX 747

FALLS CHURCH, VA 22040-0747

EXAMINER

BILGRAMI, ASGHAR H

ART UNIT

PAPER NUMBER

2143

DATE MAILED: 10/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/022,916	NAGATA, MASAYA	
	Examiner	Art Unit	
	Asghar Bilgrami	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some \* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____   | 6) <input type="checkbox"/> Other: _____                          |

AB

## DETAILED ACTION

### *Priority*

Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 119(e) & 120 as follows:

(F) If the prior-filed application is a provisional application filed in a language other than English, a benefit claim under 35 U.S.C. 119(e) requires: (1) an English language translation of the provisional application; and (2) a statement that the translation is accurate. See 37 CFR 1.78(a)(5)(iv).

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Motoyama et al (U.S. 6,662,225) and Hatakama (5,774,118)

3. As per claims 6, 9, 15, 16, 20 & 21 Motoyama disclosed a service management method managing an application program made up of a combination of a plurality of functions by a computer (col.8, lines 18-21), making said computer carry out the steps

Art Unit: 2143

of: detecting that a specific function is selected or performed (col.12, lines 28 & col.12, lines 35-46); and writing number of detection of said detected function in a management file which records usage conditions of said plurality of the functions (col.12, lines 63-67 & col.13, lines 1-2). However Motoyama did not explicitly disclose wherein the functions are grouped into at least a first level and second level, at least one function in the first level being associated with at least one function in the second level, and the at least one function in the first level is identified as used only if each function in the second level that is associated with the at least one function is detected a predetermined number of times.

In the same field of endeavor Hatakama disclosed wherein the functions are grouped into at least a first level and second level, at least one function in the first level being associated with at least one function in the second level, and the at least one function in the first level is identified as used only if each function in the second level that is associated with the at least one function is detected a predetermined number of times.(col.4, lines 39-67 & col.5, lines 24-50).

It would have been obvious to one in the ordinary skill in the art at the time the invention was made to have incorporated grouping the functions by levels as disclosed by Hatakama into the service management method for managing application as disclosed by Motoyama in order to enhance the effectiveness of the management method resulting in better service to the user of the software functions.

Art Unit: 2143

4. As per claims 1, 3, 5, 12, 13, 14, 17 & 18 Motoyama disclosed a service management program for managing a software package made up of a combination of plurality of functions including a function for carrying out processing to transmit/receive information via a network, by a computer (col.8, lines 18-21, col.8, lines 54-67 & col.9, lines 1-21), provided for: receiving usage conditions of the functions of said software package from a device in which said software package is installed via the network (col.12, lines 6-28, col.12, lines 35-46. However Motoyama did not explicitly disclose making said computer carry out processing to transmit a message for promoting use of a function which is indicated in the usage conditions as a function used less than a predetermined number of times, to said device.

In the same field of endeavor Hatakama disclosed making said computer carry out processing to transmit a message for promoting use of a function which is indicated in the usage conditions as a function used less than a predetermined number of times, to said device (col.2, lines 46-62).

It would have been obvious to one in the ordinary skill in the art at the time the invention was made to have incorporated promoting use of a function indicated in the usage condition to have be used less than predetermined number of times as taught by Hatakama in the service management program disclosed by Motoyama in order to make the service management system more versatile and robust in term of providing assistance and making it more user friendly.

Art Unit: 2143

5. As per claim 2 Motoyama-Horvitz disclosed the service management method as set forth in claim 1, wherein: said predetermined number of times is set as not less than twice (Motoyama, col.3, lines 3-7, col.12, lines 63-67 & col.13, lines 1-2).

6. As per claims 7 & 10 Motoyama-Horvitz disclosed the service management method as set forth in claim 6, further making said computer carry out the step of: displaying data which includes at least either of data on a used function and data on an unused function described in said management file , on an activation screen of said application program (Motoyama, col.12, lines 6-46)

7. As per claims 8 & 11 Motoyama-Horvitz disclosed the service management method as set forth in claim 6, further making said computer carry out the step of transmitting data which includes at least either of data on a used function and data on an unused function described in said management file (Motoyama, col.12, lines 6-28 & col.12, lines 35-46).

### ***Response to Arguments***

8. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***


Art Unit: 2143

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asghar Bilgrami whose telephone number is 571-272-3907. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3924. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AB

  
DAVID WILEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100